

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EURO PACIFIC CAPITAL, INC., individually and in its capacity as Investor Representative and attorney-in-fact for ALEXANDER AND YANA GALUZ, AMY J. STEFANIK, ANN STRUVE, ANTHONY NAHUM, ART KLEPPEN AND KIMBERLY KLEPPEN, BARBARA ELLIS, BARBARA HEARST, BARBARA S. MEISTER, BENJAMIN R. EARL AND JONEE D. EARL, BERT JUDE HUNTSINGER, BLAKE AND LISA EVERETT, BRUCE FRANKLIN, BRUCE RAVENEL, BURT YANO AND PATRICIA YANO, CAROL COOPER, CAROLYN R. LONG, CHARLES BRABENAC, CHARLES M. CLAUSSEN AND MICHELLE S. CLAUSSEN, CHARLES SULLIVAN AND CAROL SULLIVAN, CHARLOTTE J. BELASCO, CHIN HSIAO, CINDY J. LEWIS, CLIFF WARD, COREY SHANNON MCNAMEE, CURTIS ANDREW BEESON AND BRENDA BATENBURG, CYNTHIA KESSLER AND JAMES KESSLER, DAMON SUTER AND MALINDA SUTER, DANIEL J. GRIFFIN, DARREL LEE KLOECKNER, DAVID ALAN SCULLY, DAVID W. LARSON AND JENNIFER L. LARSON, DEBORAH FOREMAN, DENNIS FRIED AND JOYCE FRIED, DIANE D. SPOLUM, DONALD GIRARD CLARK JR. AND DEBRA L. CLARK, DONALD T. GLASER JR., DOUGLAS W. JOHNSON, EDGAR SIMONS, EDWARD CHARLES MOHR, ELIZABETH RICHARDS, ELMIRA GADOL, FRANCIS BRENT MAY AND JONEITA JEAN MAY, FRANK CARDILE SR., FRED HARPER, GARY LEE BUKAMIER, GARY MARDER, GAYLE M. AND DEBORAH SANDERS, GEORGE FELDMAN, GEORGE K. CHING, GEORGE MADARAZ, GERALD AND BEVERLY R BARNE, GERALD MONA, GERARD SURERUS, GERSHOM LUNDBERG, GILBERT DOMINGUEZ, KENNETH RAY GLEASON, HARNEK THIARA AND TALWINDER THIARA, HEIDI W. KIENE AND KEVIN KIENE, HENRY LOUIS SCHAIRER JR., HOWARD W. WAHL, J. MARK MCPHERSON, JACK AND TAMI FINEGOLD, JACK ABRAMS AND MARGO ABRAMS, JAMES A. SHEAHAN AND MELODY K. SHEAHAN, JAMES A. TAMBORELLO, JAMES ALLEN LUTTER, JAMES CURTIS BROWN, JAMES D. DREYER JR., JAMES V. BACON, JASON HANDZA AND ALEXANDRA HANDZA, JASON L. RAWLINGS AND

Index No. 1:15-cv-04636-CM

**AFFIRMATION OF
CHRISTOPHER L. AYERS IN
SUPPORT OF MOTION FOR
DEFAULT JUDGMENT**

LEANNE K. RAWLINGS, JEFF ARCHIBALD,
JEFFREY REISNER, JOANNE COLTRIN AND
ANDRE COLTRIN, JOHN MAVAR, JOHN T. KEALY
AND JANINE K. KEALY, JONATHAN EDWARDS
AND VIRGINIA C. ADAMS, JOSEPH MCCARTHY
AND MIKI MCCARTHY, JOSH D. BRADBURY, JR.,
SUSAN BRADBURY, JOSHUA SCHEIN, JULIA L.
GRIFFIN, JUSTIN KERENYI, KARL K. SPIELMAN
AND MELINDA G. ELKIN, KENNETH NASS, KENT
SCOTT AND LAURA SCOTT, KERRY LEE AND
HELEN WELSH, KEVIN P. O'NEILL AND SUZANNE
ODELL O'NEILL, KURT SWOGGER, LARRY
BRUNZLICK, LARRY E. GROFF AND DORIS R.
GROFF, LARRY GUAGLIARDO, LAURA D.
MCHUGH, LAWRENCE J. BUTZ, LAWRENCE
LEARY, LLOYD E. HENDRIX, LOUIS A. LARSON
AND PAMELA J. LARSON, MARC KASSIN, MARC
W. LEVIN, MARK A. OSTERHAUS, MARK DUGGER,
MARK R. MITCHELL, MARSHALL CARL RICE,
MARY HEINKING, MARY NEIBERG, MARYANN
MIGAS, MATT HAYDEN, MATTHEW C. AMERMAN
AND CARRIE AMERMAN, MEHRAN TASLIMI,
MICHAEL MATULA, MICHAEL SCULLY, MICHELLE
GRIFFIN, MIRIAM SCHWARTZ, MITCHELL MARTIN
AND DEBORAH MARTIN, NANCY L. BENSON,
NICOLAS KARAMAOUN, OLEKSANDR TUMKO
AND OKSANA TUMKO, PAMELA HARRINGTON
MUNRO, PAT BROWNE, PATRICK AND GLORIA
KIRK, PATRICK MULLEN, PAUL DIPAOLO AND
NANCY L. WORTHINGTON, PAUL E. SORGE JR.,
PAUL HARPER ZINK, PETER D. SCHIFF, PETER
SCHORTMANN AND SUSAN SCHORTMANN,
QUINCY MURPHY, RALPH DALE EDSON,
RANDELL SCOTT GLEASON AND MICHELE LEE
GLEASON, RICHARD MOORE, RICHARD P.
ANTHONY III AND KIMBERLY J. ANTHONY,
RICHARD POTAPCHUK, ROBERT DAGGETT,

ROBERT E. CATHRO, ROBERT HEIMANN,
ROBERT L. BISHOP AND FRANCINE BISHOP,
ROBERT NEAL SPADY AND LINDA SPADY,
ROBERT T. FOSS AND MARGARET FOSS, ROD
MCINTYRE, ROYCE V. JACKSON, RUSSELL B.
WALKER, RUSSELL PARKER, SARAH J. BASLER
AND DONALD S. BASLER, SCOTT MUELLER,
SCOTT R. GRIFFIN, SCOTT R. LENNES, SHERRY
MORSE MACCABEE AND JOHN GREENBERGER
MACCABEE, SHIDAN TASLIMI, STANLEY J.
DRELICK, STEPHEN P. MCCARRON, STEPHEN
RASKIN, STEVE SMITH, STEVEN PAUL HARMS,
TERRY ALAN CREWS, TERRY OLSON AND LINDA
M. OLSON, THOMAS AARON LADNER, TIMOTHY
CARROLL, TIMOTHY CRANE, TIMOTHY NASS,
TIMOTHY WEAVER, TINA C. PETERSON AND
HENDRIKUS M. SCHRAVEN, TODD A. HANNON
AND MICHELLE L. HANNON, TONY BIZ AND
JEANNE C. LIM, VADA NOBLES, VINCE BACOLINI,
VIVEK GHAI, VLAJKO DJORDJEVIC, WALTER
FRIESEN, WILLIAM BRADLEY, WILLIAM J. CYR,
WILLIAM WILEY AND MARIANNE WILEY, WILLIS
DUNKUM III, YADIN ROZOV, and DOES 1-100,

Plaintiffs,

vs.

U.S. CHINA MINING GROUP, INC. and HONGWEN
LI,

Defendants.

I, Christopher L. Ayers, an attorney duly admitted to practice before the
Courts of this State, affirm as follows under penalty of perjury under the laws of the
United States of America:

1. I am an attorney with the law firm of ANDERSON KILL P.C., attorneys for
Plaintiff, Euro Pacific Capital, Inc. ("Plaintiff" or "Euro Pacific"), individually and in its
capacity as Investor Representative and attorney-in-fact for Alexander and Yana Galuz,

Amy J. Stefanik, Ann Struve, Anthony Nahum, Art Kleppen and Kimberly Kleppen, Barbara Ellis, Barbara Hearst, Barbara S. Meister, Benjamin R. Earl and Jonee D. Earl, Bert Jude Huntsinger, Blake and Lisa Everett, Bruce Franklin, Bruce Ravenel, Burt Yano and Patricia Yano, Carol Cooper, Carolyn R. Long, Charles Brabenac, Charles M. Claussen and Michelle S. Claussen, Charles Sullivan and Carol Sullivan, Charlotte J. Belasco, Chin Hsiao, Cindy J. Lewis, Cliff Ward, Corey Shannon McNamee, Curtis Andrew Beeson and Brenda Batenburg, Cynthia Kessler and James Kessler, Damon Suter and Malinda Suter, Daniel J. Griffin, Darrel Lee Kloeckner, David Alan Scully, David W. Larson and Jennifer L. Larson, Deborah Foreman, Dennis Fried and Joyce Fried, Diane D. Spolum, Donald Girard Clark Jr. and Debra L. Clark, Donald T. Glaser Jr., Douglas W. Johnson, Edgar Simons, Edward Charles Mohr, Elizabeth Richards, Elmira Gadol, Francis Brent May and Joneita Jean May, Frank Cardile Sr., Fred Harper, Gary Lee Bukamier, Gary Marder, Gayle M. and Deborah Sanders, George Feldman, George K. Ching, George Madaraz, Gerald and Beverly R Barne, Gerald Mona, Gerard Surerus, Gershom Lundberg, Gilbert Dominguez, Kenneth Ray Gleason, Harnek Thiara and Talwinder Thiara, Heidi W. Kiene and Kevin Kiene, Henry Louis Schairer Jr., Howard W. Wahl, J. Mark Mcpherson, Jack and Tami Finegold, Jack Abrams and Margo Abrams, James A. Sheahan and Melody K. Sheahan, James A. Tamborello, James Allen Lutter, James Curtis Brown, James D. Dreyer Jr., James V. Bacon, Jason Handza and Alexandra Handza, Jason L. Rawlings and Leanne K. Rawlings, Jeff Archibald, Jeffrey Reisner, Joanne Coltrin and Andre Coltrin, John Mavar, John T. Kealy and Janine K. Kealy, Jonathan Edwards and Virginia C. Adams, Joseph Mccarthy and Miki Mccarthy, Josh D. Bradbury, Jr., Susan Bradbury, Joshua Schein, Julia L. Griffin,

Justin Kerenyi, Karl K. Spielman and Melinda G. Elkin, Kenneth Nass, Kent Scott and Laura Scott, Kerry Lee and Helen Welsh, Kevin P. O'Neill and Suzanne Odell O'Neill, Kurt Swogger, Larry Brunzlick, Larry E. Groff and Doris R. Groff, Larry Guagliardo, Laura D. McHugh, Lawrence J. Butz, Lawrence Leary, Lloyd E. Hendrix, Louis A. Larson and Pamela J. Larson, Marc Kassin, Marc W. Levin, Mark A. Osterhaus, Mark Dugger, Mark R. Mitchell, Marshall Carl Rice, Mary Heinking, Mary Neiberg, Maryann Migas, Matt Hayden, Matthew C. Amerman and Carrie Amerman, Mehran Taslimi, Michael Matula, Michael Scully, Michelle Griffin, Miriam Schwartz, Mitchell Martin and Deborah Martin, Nancy L. Benson, Nicolas Karamaoun, Oleksandr Tumko and Oksana Tumko, Pamela Harrington Munro, Pat Browne, Patrick and Gloria Kirk, Patrick Mullen, Paul Dipaolo and Nancy L. Worthington, Paul E. Sorge Jr., Paul Harper Zink, Peter D. Schiff, Peter Schortmann and Susan Schortmann, Quincy Murphy, Ralph Dale Edson, Randell Scott Gleason and Michele Lee Gleason, Richard Moore, Richard P. Anthony III and Kimberly J. Anthony, Richard Potapchuk, Robert Daggett, Robert E. Cathro, Robert Heimann, Robert L. Bishop and Francine Bishop, Robert Neal Spady and Linda Spady, Robert T. Foss and Margaret Foss, Rod McIntyre, Royce V. Jackson, Russell B. Walker, Russell Parker, Sarah J. Basler and Donald S. Basler, Scott Mueller, Scott R. Griffin, Scott R. Lennes, Sherry Morse Maccabee and John Greenberger Maccabee, Shidan Taslimi, Stanley J. Drelick, Stephen P. Mccarron, Stephen Raskin, Steve Smith, Steven Paul Harms, Terry Alan Crews, Terry Olson and Linda M. Olson, Thomas Aaron Ladner, Timothy Carroll, Timothy Crane, Timothy Nass, Timothy Weaver, Tina C. Peterson and Hendrikus M. Schraven, Todd A. Hannon and Michelle L. Hannon, Tony Biz and Jeanne C. Lim, Vada Nobles, Vince Bacolini, Vivek Ghai, Vljko Djordjevic,

Walter Friesen, William Bradley, William J. Cyr, William Wiley and Marianne Wiley, Willis Dunkum III, Yadin Rozov, and their assignees (collectively, the "Shareholders"), in this action. As such, I am fully familiar with the facts set forth below by virtue of my review of the file.

2. On June 16, 2015, Plaintiff filed its Complaint, a copy of which is attached hereto as **Exhibit 1**.

3. On June 30, 2015, Plaintiff caused Li to be served with the Summons and Complaint by leaving a copy at Li's residence or usual place of abode with Jane Doe Li, a person of suitable age and discretion who resides at that location. Copies were also placed in the United States mail, in a sealed envelope by First Class mail with postage prepaid on July 7, 2015. Proof of such service was filed on July 23, 2015, Doc # 10.

4. On July 10, 2015, Plaintiff caused USCM to be served with the Summons and Complaint by personally serving the Nevada Secretary of State at 202 N. Carson Street, Carson City, NV 89701. Proof of such service was filed on July 23, 2015, Doc. # 9.

5. Defendants have not appeared in this action, and the time to appear or otherwise respond to the Plaintiff's Verified Complaint has expired.

6. On September 11, 2015, the Clerk of this Court, pursuant to Fed. R. Civ. P. 55(a), entered the default judgment against Defendants U.S. China Mining Group, Inc. ("USCM") and Hongwen Li ("Li") (collectively, "Defendants"). A copy of the Order is attached hereto as **Exhibit 2**.

7. Defendant USCM is not a minor, an incompetent person, or on active military service. USCM is a publicly held corporation organized and incorporated under

the laws of Nevada, which operates out of the People's Republic of China, and is headquartered in Tampa, Florida.

8. Defendant Li is not a minor, incompetent person, nor is he on active military service. Li is the President and Chief Executive Officer of USCM and maintains residences in both China and California.

Dated: New York, New York
November 12, 2015



Christopher L. Ayers